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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,712	01/29/2002	Bartley K. Andre	APL1P234C1/P2426USC1	8995
22434	7590	10/23/2003	EXAMINER	
BEYER WEAVER & THOMAS LLP P.O. BOX 778 BERKELEY, CA 94704-0778			LESPERANCE, JEAN E	
		ART UNIT		PAPER NUMBER
		2674		17
DATE MAILED: 10/23/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/060,712	ANDRE ET AL.	
	Examiner	Art Unit	
	Jean E Lesperance	2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 August 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 10, 12-15, 18, 20-22 and 25-38 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 10, 12-15, 18, 20-22 and 25-38 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 January 2002 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>10</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed. Applicant is reminded of the proper content of an abstract of the disclosure.

Claim Objections

2. Claim 28 is objected to because of the following informalities: in line 4, the word "matingly" is a typo error and out of place. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10, 12-15, 18, 20-22, and 25-38 are rejected under 35 U.S.C. 102 (b) as being unpatentable over U.S. Patent number 5,585,823 ("Duchon et al.").

As for claim 10, Duchon et al. teach a one-button computer mouse includes a housing movable over a reference surface (abstract, lines 1 and 2) corresponding to a mouse capable of executing a button function, the computer mouse 18 includes a single button 40 coupled to the housing 36 (column 4, lines 28 and 29) corresponding to the

button function being incorporated into a housing component of the mouse, micro-switch 68 and 70 form a switch mechanism 71 (column 5, lines 13 and 14) corresponding to the housing component being configured to substantially enclose electronics associated with the mouse. And it is inherent in the art to the housing of a mouse to include electronic components.

As for claim 12, Duchon et al. teach the button Fig.2 (40) is pressed and held down by the user, to put the cursor in a "drag" mode which can drag windows and other objects around the computer screen (column 2, lines 18-21) corresponding to the button function is associated with performing an on screen action.

As for claims 13, 14, and 21, Duchon et al. teach computer systems having graphical user interfaces (GUI) are typically provided with some form of pointing device which controls a cursor on the computer screen (column 1, lines 10-12) corresponding to the electronics generate on screen action signals and generate cursor control signals and the internal components include electronics associated with moving a cursor on a display.

As for claim 15, Duchon et al. teach the button is pressed and held down by the user to put the cursor in a "drag" mode which can drag windows and other objects around the computer screen (column 2, lines 18-21) corresponding to a mouse housing configured to be grasped and manipulated by a hand of a user, micro-switch 68 and 70 form a switch mechanism 71 (column 5, lines 13 and 14) corresponding to the mouse housing encasing mouse electronics, and the force increases to force F1 which moves

button portion 58 to a position X1, at which time the first switch 70 is activated (column 5, lines 57-59) corresponding to serving as a movable button so as to perform an on screen action.

As for claim 18, Duchon et al. teach the single button is movable between a base position, a first button position and a second button position by a force exerted on the button (abstract, lines 5-7) corresponding to the mouse housing includes a first member and a second member where the base position corresponding to the first member and the first and second positions corresponding to the second member, the computer mouse 18 includes a single button 40 coupled to the housing 36 and movable between a base position, a first button position and a second button position by a force referred generically to as "F" exerted on the button 40 (column 4, lines 28-32) corresponding to the first and second members cooperating to form a housing of the mouse, the button is biased to the base position in absence of a force (abstract, lines 8 and 9) corresponding to the first member being configured to make moving contact with a surface, the first switch is used as a normal mouse button switch to indicate to "click" of the mouse button. The second switch then is used to indicate that the mouse is in a locked button state. However, the use of the additional mouse data is purely under software control, such that the SWITCH2 data could, for example, be programmed to emulate a double-click of SWITCH1, or for other user-definable purposes (column 6, lines 38-45) corresponding to the second member being movably coupled to the first member so as to provide a clicking action associated with performing the on screen action.

As for claims 20, 36, and 37, Duchon et al. teach a base position (abstract, line 6) corresponding to a base member; and the computer mouse 18 includes a single button 40 coupled to the housing 36 and movable between a base position, a first button position, and a second button position by a force referred generically to as "F" exerted on the button 40 (column 4, lines 28-32) where top member being first and second positions and base member being the base position corresponding to a top member cooperating with the base member to form a housing of the input device that substantially encloses internal components of the input device, the first switch is used as a normal mouse button switch to indicate to "click" of the mouse button. The second switch then is used to indicate that the mouse is in a locked button state. However, the use of the additional mouse data is purely under software control, such that the SWITCH2 data could, for example, be programmed to emulate a double-click of SWITCH1, or for other user-definable purpose (column 6, lines 38-45) corresponding to the top member moving relative to the base member to provide a clicking action, the top member being movably coupled to the base member, the top member being capable of moving between a first position, placing the top member away from the base member and a second position, placing the top member towards the base member. Switch 68 and 70 of Figure 3A move relative to the base when pressed and as can be seen in the same figure, button 40 can be moved in a first button position and a second button position where F1 being the first position and F2 being the second position. As can be seen when force F1 is applied, the top member is away from the base but when force F2 is applied the top member is towards the base

member; a mouse 18 with a single button 40 which contains no separate mechanical buttons where the entire button has to be pressed down to execute the button function Fig.2 (40) corresponding to the entire top member serving as a button for actuating an internal electronic switch.

As for claim 22, Duchon et al. teach a single button 40 coupled to the housing 36 and movable between a base button, a first button position, and a second button position by a force referred generally to as "F" exerted on the button 40 where the base position makes contact with a surface (column 4, lines 28-32) corresponding to the base member is configured to make moving contact with a surface.

As for claim 25, Duchon et al. teach the first switch is used as a normal mouse button switch to indicate to "click" of the mouse button. The second switch then is used to indicate that the mouse is in a locked button state. However, the use of the additional mouse data is purely under software control, such that the SWITCH2 data could, for example, be programmed to emulate a double-click of SWITCH1, or for other user-definable purpose (column 6, lines 38-45) corresponding to the clicking action implemented by moving the top member to the second position.

As for claim 26, Duchon et al. teach the cam surfaces 64 and 66 are in two, separate planes, and are used to activate a pair of micro-switches 68 and 70 respectively at different times. Each of the micro-switches 68 and 70 include a spring-loaded actuator 76 and 78, respectively, which engage the cam surfaces 64 and 66

(column 5, lines 3-7) corresponding to a biasing spring pad for biasing the top member in the first position.

As for claim 27, Duchon et al. teach the hinge 54 (which is only about 1/16 of an inch thick) permits the button portion 58 to pivot around the hinge 54 respective to fixed portion 52 (column 5, lines 60-62) corresponding to the top member is pivotally coupled to the base member.

As for claim 28, Duchon et al. teach a single button 40 coupled to the housing 36 and movable between a base button, a first button position, and a second button position by a force referred generally to as "F" exerted on the button 40 where the base position makes contact with a surface (column 4, lines 28-32) where the top member includes a first button position and a second button position where each button position has inherently a pair of pivots and the micro-switches 68 and 70 inherently includes also a pair of snap mechanisms for engaging the two switches corresponding to the top member includes a pair of pivots, and wherein the base member includes a pair of snap mechanisms for engaging the pair of pivots.

As for claim 29, Duchon et al. teach the single button is movable between a base position, a first button position and a second button position by a force exerted on the button (abstract, lines 5-7) corresponding to a button for actuating an internal electronic switch configured to register the clicking action as an input to the electronics of the input device; a mouse 18 with a single button 40 which uses force F to press the entire button 40 to the first button position and the second button position.

As for claim 30, Duchon et al. teach switches 68 and 78 coupled to the base (Fig.3A) corresponding to the electronic switch is coupled to the base member, and a button portion Fig.3a (58) corresponding to the top member includes an elongated member for engaging the electronic switch.

As for claims 31 and 38, Duchon et al. teach a mouse 18 with a single button 40 which contains no separate mechanical buttons where the entire button has to be pressed down to execute the button function Fig.2 (40) corresponding to the top member is an integrated piece having no separate mechanical buttons disposed thereon.

As for claim 32, Duchon et al. teach a single button 40 coupled to the housing 36 and movable between a base button, a first button position, and a second button position by a force referred generally to as "F" exerted on the button 40 where the base position makes contact with a surface (column 4, lines 28-32) corresponding to a base member configured to make moving contact with a surface; the computer mouse 18 includes a single button 40 coupled to the housing 36 and movable between a base position, a first button position, and a second button position by a force referred generically to as "F" exerted on the button 40 (column 4, lines 28-32) where top member being first and second positions and base member being the base position corresponding to a top member mechanically coupled with the base member to form the mouse housing and to encase said mouse electronics, the first switch is used as a normal mouse button switch to indicate to "click" of the mouse button. The second

switch then is used to indicate that the mouse is in a locked button state. However, the use of the additional mouse data is purely under software control, such that the SWITCH2 data could, for example, be programmed to emulate a double-click of SWITCH1, or for other user-definable purpose (column 6, lines 38-45) corresponding to the top member moving relative to the base member between a first position, placing the top member away from the base member and a second position, placing the top member towards the base member, so as to implement a clicking action, a mouse 18 with a single button 40 which contains no separate mechanical buttons where the entire button has to be pressed down Fig.2 (40) corresponding to the entire top member serving as a movable button for implementing the clicking action; and micro-switches 68 and 70 (Fig.3A) corresponding to an electronic switch disposed inside the mouse housing, the electronic switch being activated by said clicking action so as to perform an onscreen action.

As for claim 33, Duchon et al. teach a computer systems having graphical user interfaces (GUI) are typically provided with some form of pointing device which controls a cursor on the computer screen (column 1, lines 10-12) corresponding to a mechanism for generating cursor control signals, the mechanism being carried by the base member.

As for claim 34, Duchon et al. teach the tracking mechanism can be of many types including mechanical tracking mechanisms and optical tracking mechanisms (column 1, lines 35-37) corresponding to the mechanism is a trackball or optical electronics.

As for claim 35, Duchon et al. teach a one-button computer mouse includes a housing movable over a reference surface (abstract, lines 1 and 2) corresponding to a the button function being incorporated into a housing component of the mouse, the computer mouse 18 includes a single button 40 coupled to the housing 36 (column 4, lines 28 and 29) corresponding to the button function being incorporated into a housing component of the mouse, a mouse 18 with a single button 40 which contains no separate mechanical buttons where the entire button has to be pressed down to execute the button function Fig.2 (40) corresponding to the housing component is pushed in its entirety to execute the button function.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Lesperance whose telephone number is (703) 308-6413. The examiner can normally be reached on from Monday to Friday between 8:00AM and 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709 .

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

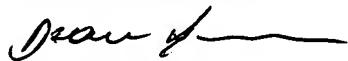
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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the technology Center 2600 Customer Service Office
whose telephone number is (703) 306-0377.

Jean Lesperance



Art Unit 2674

Date 10-8-2002


RICHARD MJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600